

allowability of the project costs of all airport development completed has been determined on the basis of an audit and review of all costs, a semi-final grant payment may be made in an amount large enough to bring the aggregate amount of all partial grant payments for the project to the United States share of all allowable project costs incurred, even if the amount is more than the 90 percent limitation prescribed in § 151.61(b). However, it may not be more than the maximum obligation of the United States as stated in the grant agreement.

(b) Whenever the project is completed in accordance with the grant agreement, the sponsor may apply for final payment. The final payment is made to the sponsor if—

(1) A final inspection of all work at the airport site has been made jointly by the Area Manager and representatives of the sponsor and the contractor, unless the Area Manager agrees to a different procedure for final inspection.

(2) A final audit of the project account has been completed by appropriate personnel of the FAA; and

(3) The sponsor has furnished final “as constructed” plans, unless otherwise agreed to by the Administrator.

(c) Based upon the final inspection, the final audit, the plans, and the documents and supporting information required by § 151.57(a), the Administrator determines the total amount of the allowable project costs and pays the sponsor the United States’ share, less the total amount of all prior payments.

#### § 151.65 Memoranda and hearings.

(a) At any time before the FAA issues a grant offer for a project, any public agency or person having a substantial interest in the disposition of the project application may file a memorandum supporting or opposing it with the Area Manager of the area in which the project is located. In addition, that public agency or person may request a public hearing on the location of the airport to be developed. If, in the Administrator’s opinion, that public agency or person has a substantial interest in the matter, a public hearing is held.

(b) The Administrator sets the time and place of each hearing under this

section, to avoid undue delay in disposing of the application, to afford reasonable time for all parties concerned to prepare for it, and to hold it at a place convenient to the sponsor. Notice of the time and place is mailed to the public agency or person filing the memorandum, the sponsor, and any other necessary persons.

(c) The purpose of the hearing is to help the Administrator discover facts relating to the location of the airport that is proposed to be developed under an application pending before him. There are no adverse parties or interests and no defendant or respondent. They are not hearings for the purposes of 5 U.S.C. 554, 556, and 557, and do not terminate in an adjudication as defined in that Act.

(d) Each hearing under this section is conducted by a hearing officer designated by the Administrator. The hearing officer decides the length of the hearing, the kind of testimony to be heard, and all other matters respecting the conduct of the hearing. The hearing is recorded in a manner determined by the hearing officer and the record becomes a part of the record of the project application. The Administrator’s decision is not made solely on the basis of the hearing, but on all relevant facts.

[Doc. No. 1329, 27 FR 12351, Dec. 13, 1962, as amended by Amdt. 151-11, 31 FR 6686, May 5, 1966; Amdt. 151-35, 34 FR 13699, Aug. 27, 1969]

#### § 151.67 Forms.

(a) The various forms used for the purposes of subparts B and C are as follows:

(1) Requests for Federal-aid, FAA Form 5100-3: Contains a statement requesting Federal-aid in carrying out a project under the Federal Airport Act, with appropriate spaces for inserting information needed for considering the request, including the location of the airport, the amount of funds available to the sponsor, a description of the proposed work, and its estimated cost.

(2) Project application, Form FAA-1624: A formal application for Federal-aid to carry out a project under this part. It contains four parts:

(i) Part I—For pertinent information regarding the airport and proposed work included in the project.